

**PUBLIC NOTICE: 2013-01**

**DATED: OCTOBER 19, 2012**

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND  
OPPORTUNITY TO COMMENT**

**AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT  
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE  
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER  
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON  
THE PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS  
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA  
MAY ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR  
CLASS II PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE  
PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**ADMINISTRATIVE CIVIL PENALTY PROCEEDINGS ARE CONDUCTED UNDER  
EPA'S "CONSOLIDATED RULES OF PRACTICE GOVERNING THE  
ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF**

**COMPLIANCE OR CORRECTIVE ACTION ORDERS AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS”, 40 CFR PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED ADMINISTRATIVE PENALTY ACTION OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON THIS ADMINISTRATIVE PENALTY PROCEEDING IS THIRTY (30) DAYS AFTER ISSUANCE OF PUBLIC NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING ADMINISTRATIVE ACTION FOR THE ASSESSMENT OF ADMINISTRATIVE CIVIL PENALTIES: IN THE MATTER OF ZOTOS INTERNATIONAL, INC., 300 FORGE AVENUE, GENEVA, NEW YORK, 14456, DOCKET NO. CWA-02-2012-3309; FILED ON SEPTEMBER 25, 2012, WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$7,500, FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS IN ACCORDANCE WITH THE GENERAL PRETREATMENT REGULATIONS AT 40 CFR PART 403. EPA HAS PROVIDED THE RESPONDENT WITH A SETTLEMENT OFFER OF \$2,200 IN AN EFFORT TO PROMPTLY SETTLE THIS MATTER.**

**FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, OR REVIEW DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK KAREN MAPLES, EPA REGION 2, 290 BROADWAY, 16 TH FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS ARE LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.**

**IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED ABOVE.**

**DORE LAPOSTA, DIRECTOR  
DIVISION OF ENFORCEMENT AND  
COMPLIANCE ASSISTANCE**